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Mineral Rights*

*Harriet S. Daggett***

Quite a few statutes were passed by the 1960 legislature dealing with mineral rights. Most important and far-reaching of all of them are probably Acts 441 and 442 amending R.S. 30:5 and 30:9 relative to drilling units. Provision for forced unitization by the Commissioner, together with power to use any established secondary recovery method, should be of particular value to the state, and to the extended conservation of oil. This legislation has been sought for many years and undoubtedly should prove of great interest and value to all parties concerned. The absolute power, however, to unitize more than one pool has not been given even at this late date since at least three-fourths of owners and three-fourths of royalty owners within the unit must approve the plan and terms of the operation and evidence consent by written contracts filed by the Commissioner on or before the date set for the hearing. Act 442 gives the Commissioner power to have drilled a particular location after public hearing at a position best suited to the most economic and efficient drainage of the unit.

Act 358 of 1960 has several detailed sections dealing with leases on land owned in indivision by five hundred or more persons, and provides that where the land so owned has not been leased for minerals for at least a year, any fifty of the co-owners may request the State Mineral Board to lease for the benefit of all persons. Provision is made for disposition of funds, etc. Act 498 of 1960 deals with leases of waterbottoms and requires recordation of leases for oyster culture heretofore and hereafter granted, and that those not filed as required by the act shall be subordinate to the rights of the state with respect to the granting of mineral and shell leases.

Act 443 of 1960 changes the membership of the State Mineral Board from the governor and fifteen members appointed by him to the governor and seventeen members appointed by him and

*For detailed study and analysis of these 1960 acts it would be well to contact Mr. A. J. Plaisance, presently a member of the staff of the Commissioner of Conservation.

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changes the number required for a quorum from eight to ten members.

Act 528 of 1960 amends R.S. 9:5806(B), which provided that when certain public bodies including the Department of Highways, levee districts, school districts, etc., acquired land by an act of acquisition wherein the minerals or royalties were reserved, the rights so reserved should be imprescriptible. The new act adds to public agencies to which the former law applied "any political subdivision authorized to incur debt and issue bonds under the provisions of the Constitution and statutes of the State of Louisiana."

Act 9 of 1960 amends R.S. 47:633(9) dealing with the gas severance tax in several detailed provisions, and provides that present gas tax rates will be continued as amended until June 30, 1964.